



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,058	03/31/2005	Rafe Patterson	3102-1	1625
25572 7590 09/02/2009 MEADWESTVACO CORPORATION ATTN: IP LEGAL DEPARTMENT 1021 Main Campus Drive Raleigh, NC 27606				
			EXAMINER BUTLER, MICHAEL E	
			ART UNIT 3653	PAPER NUMBER
			NOTIFICATION DATE 09/02/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketadministrator@mwv.com

# Office Action Summary

**Application No.**

10/501,058

**Applicant(s)**

PATTERSON, RAFE

**Examiner**

MICHAEL E. BUTLER

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

***Priority***

1. Applicant's claim of priority as a national stage 371 application of application of PCT/Us03/00519 filed 1/9/02 which claims priority to provisional application 60/347057 filed 1/9/02.

***Election/Restriction***

2. Applicant's election of invention group I without traverse of the lack of unity requirement of 7/1/08 was previously acknowledged and made final.
3. Claims 6-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim(s) 1 and 3-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Friel 3741413 in view of Heutshi 5221393 wherein the former discloses

(Re: cl 1) A carton storage medium comprising: a plurality of cartons 12 in collapsed condition (c2 L 25-27) disposed in an imbricated configuration (fig 4 & 6; c2 L 25-27).

and the latter discloses any elements not inherently taught by the former including:

(Re: cl 1) wherein said plurality of cartons in collapsed condition are disposed in an imbricated coil ( 25 fig 4/6 )

(Re: cl 3) further comprising means for stabilizing said imbricated configuration (1 fig 4/6)

(Re: cl 4) wherein said means for stabilizing said imbricated configuration comprises said plurality of cartons in collapsed condition disposed over a substantially flat elongated member (1 fig 4/6)

(Re: cl 5) wherein said substantially flat elongated member is selected from the group consisting of a tape, band or belt. (1 fig 4/6).

It would have been obvious at the time of the for Friel to place the cartons in an imbricated coil to facilitate continuous feeding onto a line as taught by Heutchl.

It would have been obvious at the time of the invention for Friel to stabilize the coil with a stabilizing element to keep the cartons in place during transport as taught by Heutchl.

It would have been obvious at the time of the invention for Friel to have the stabilizer comprised of a flat elongated member as a flat member will spread the and help keep the cartons flush against each other as taught by Heutchl.

It would have been obvious at the time of the invention for Friel to use a tape band or belt as the flat elongated stabilizing element as such a wrapping stabilizer can securely keep the cartons in place and lead the cartons off the coil during dispensing as taught by Heutchl.

6. Claim(s) 1 and 3-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Friel 3741413 in view of Honegger 4494359 wherein the former discloses :

(Re: cl 1) A carton storage medium comprising: a plurality of cartons 12 in collapsed condition (c2 L 25-27) disposed in an imbricated configuration (fig 4 & 6; c2 L 25-27).

discussed and the latter discloses any elements not inherently taught by the former including:

(Re: cl 1) wherein said plurality of cartons in collapsed condition are disposed in an imbricated coil (31 fig 3)

(Re: cl 3) further comprising means for stabilizing said imbricated configuration (28 fig 3)

(Re: cl 4) wherein said means for stabilizing said imbricated configuration comprises said plurality of cartons in collapsed condition disposed over a substantially flat elongated member (28 fig 3)

(Re: cl 5) wherein said substantially flat elongated member is selected from the group consisting of a tape, band or belt. (28 fig 3)

It would have been obvious at the time of the for Friel to place the cartons in an imbricated coil to facilitate continuous feeding onto a line as taught by Honegger.

It would have been obvious at the time of the invention for Friel to stabilize the coil with a stabilizing element to keep the cartons in place during transport as taught by Honegger.

It would have been obvious at the time of the invention for Friel to have the stabilizer comprised of a flat elongated member as a flat member will spread the and help keep the cartons flush against each other as taught by Honegger.

It would have been obvious at the time of the invention for Friel to use a tape band or belt as the flat elongated stabilizing element as such a wrapping stabilizer can securely keep the cartons in place and lead the cartons off the coil during dispensing as taught by Honegger.

#### ***Response to Amendments/Arguments***

7. Applicant's amendment to claim 1 was effective in overcoming the anticipatory rejection.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidenced by Friel in view of

Applicant's amendment was effective in overcoming the rejection to Friel in combination with Wing.

The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidenced by Friel in combination with Herushi. Herushi teaches the securing of a flat planar paper product in an imbricated coil. The cartons of Friel are a flat paper product. As such, the storage of the flat paper products of Friel and Herushi are similar products their manner of storage is in the same art. One of ordinary skill in the art would have a reasonably predictable expectation of success in wrapping the collapsed cartons of Friel in the imbricated coil of Herushi.

Applicant's amendment was unpersuasive in overcoming the rejection to Friel in combination with Honegger. Honegger is teaches the securing of a flat planar paper product in an imbricated coil. The cartons of Friel are a flat paper product. As such, the storage of the flat paper products of Friel and Honegger are similar products their manner of storage is in the same art. One of ordinary skill in the art would have a reasonably predictable expectation of success in wrapping the collapsed cartons of Friel in the imbricated coil of Honegger.

***Conclusion***

8. Applicant's amendment necessitated the new grounds for rejection. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. E. B./

Examiner, Art Unit 3653

/Patrick H. Mackey/

Supervisory Patent Examiner, Art Unit 3653